Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Commission Invites Comments Concerning Use of Portions of Returned 2 GHz Mobile Satellite Service Frequencies	)	IB Docket No. 05-221

COMMENTS OF GLOBALSTAR LLC

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Summary

Globalstar opposes any reallocation or redistribution of the spectrum currently allocated for 2 GHz Mobile Satellite Service ("MSS"). Any reallocation or redistribution of this spectrum would severely prejudice Globalstar's pending petition for reconsideration of the erroneous cancellation of its own 2 GHz MSS authorization, and would threaten its ability to provide valuable services to its current and future customers.

Globalstar currently provides service to over 153,000 subscribers in more than 120 countries, which reflects an average annual growth rate of 45 percent during Globalstar's first five years of service. In order to meet growing customer demand and provide advanced services, Globalstar must utilize the 2 GHz MSS spectrum it was originally awarded. The various proposals for redistributing or reallocating 2 GHz MSS spectrum raised in the *Public Notice* are unwise, and in any event are premature until Globalstar's rights to the spectrum comprising its 2 GHz authorization are fully and finally decided.

As a general matter, Globalstar reiterates its opposition to the renewed efforts by terrestrial providers to gain access to additional 2 GHz spectrum. Terrestrial providers already have access to ample spectrum and cannot, or choose not to, fill the void in the nation's communications infrastructure in rural and remote areas that would exist without a robust MSS marketplace. The 2 GHz MSS spectrum at issue in this proceeding is the only available MSS spectrum to which new and established MSS providers will have access to offer the expanded range of advanced MSS services the Commission envisioned when it initially authorized the provision of MSS within the United States. As the Commission has repeatedly recognized, MSS is uniquely able to meet critical communications needs of emergency responders during times of emergency, natural disasters, and war. In addition,

MSS can bring voice and broadband services to unserved and underserved communities whose needs would otherwise continue to go unmet.

Given the vital public communications needs that MSS serves, and the significant barriers to entry into the MSS market, it would be contrary to the public interest for the Commission to preclude able competitors in the 2 GHz MSS frequency band in favor of, at best, a duopoly. Competition is a necessary element of a strong and robust 2 GHz MSS marketplace, which will ensure the provision of advanced wireless services and equipment to MSS customers worldwide.

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Globalstar LLC ("Globalstar") submits these comments in response to the Commission's *Public Notice* seeking views on various proposals for redistributing or reallocating certain 2 GHz Mobile Satellite Service ("MSS") spectrum that has been returned to the Commission by 2 GHz MSS licensees.[1/] As discussed below and in its comments filed in response to the Commission's *First 2 GHz Public Notice*, Globalstar strongly opposes any Commission proposals that would jeopardize Globalstar's ability to provide MSS service in the 2 GHz frequencies that comprise its 2 GHz MSS authorization, which the International Bureau erroneously cancelled in January 2003. Upon the grant of its pending petition for

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1/ *See* "Commission Invites Comments Concerning Use of Portions of Returned 2 GHz Mobile Satellite Service Frequencies," Public Notice, IB Docket No. 05-221, FCC 05-134 (rel. June 29, 2005) ("*Second 2 GHz Public Notice*"). On the same day that the Commission released the *Second 2 GHz Public Notice*, it also released a Public Notice seeking comment on its proposal to modify the 2 GHz MSS spectrum reservations of ICO Satellite Services ("ICO") and TMI Communications and Company Limited Partnership ("TMI") pursuant to section 316 of the Act. *See* "Commission Invites Comments Concerning Use of Portions of Returned 2 GHz Mobile Satellite Service Frequencies," Public Notice, IB Docket 05-220, FCC 05-133 (rel. June 29, 2005) ("*First 2 GHz Public Notice*"). As Globalstar indicated in its Comments filed in response to the *First 2 GHz Public Notice*, given the unresolved status of Globalstar's 2 GHz MSS authorization, it is premature to make any change to the 2 GHz MSS licenses held by ICO and TMI in a manner that would affect the 2 GHz MSS spectrum comprising Globalstar's 2 GHz MSS authorization is premature. *See* Globalstar LLC Comments, filed in IB Docket 05-220, July 13, 2005.

reconsideration of the cancellation of its 2 GHz MSS authorization,[2/] Globalstar is prepared to proceed with the continued design of its 2 GHz MSS system and to become a viable competitor in the 2 GHz MSS marketplace.

I. Background

Globalstar is now in its sixth year of providing MSS voice and data services. Globalstar service currently is available in all areas of the world except central and southern Africa, Southeast Asia, and the Indian subcontinent, regions in which Globalstar currently is negotiating to expand coverage. As of June 2005, Globalstar had 153,000 subscribers in more than 120 countries, which reflects an average annual growth rate of 45 percent during Globalstar's first five years of service, and an astounding increase of 50 percent in the last 18 months alone. Globalstar is committed to meeting the needs of its current and future customers for satellite-based voice and data telecommunications services anywhere at any time.

Consistent with this vision, in April 2005 Globalstar applied for ancillary terrestrial component ("ATC") authority in order to enable it to make more efficient and intensive use of its assigned spectrum, and to expand and broaden its customer base.[3/] At present, Globalstar is the only MSS provider capable of implementing ATC immediately, and upon the grant of its ATC applications Globalstar is poised to bring to reality all of the benefits that the Commission envisioned when it adopted rules authorizing MSS operators to incorporate an

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[2/] *See* Globalstar LLC, Petition for Reconsideration, File Nos. SAT-LOA-19970926-00151/52/53/54/56, *et al.* (filed July 26, 2004) ("Globalstar Petition for Reconsideration").

[3/] *See* Globalstar LLC Request for Authority to Implement an Ancillary Terrestrial Component for the Globalstar Above 1 GHz, of Big LEO, Mobile Satellite Service (MSS) System (Call Sign ES2115); Globalstar USA LLC Application for Modification of Blanket

ancillary terrestrial component into their service offerings. In addition to seeking ATC authority, Globalstar also has a pending application to deploy an additional gateway in Sebring, Florida,[4/] and hopes in the near future to add gateways in Alaska and China. These additional gateways, in combination with ATC authority in both the U.S. and abroad, will enable Globalstar to expand and improve its MSS service offerings and better meet the needs of its customers, which include, among others, numerous emergency responders, the military, and other government agencies.

It has been more than a year since Globalstar emerged from Chapter 11 restructuring, and its new owners have infused sufficient financial resources into the company to allow it to move forward with the construction of its 2 GHz system. Indeed, Globalstar is arguably the most viable 2 GHz MSS provider; it is one of only two providers (with Iridium) currently offering global MSS voice and data services, whereas TMI and ICO, despite having held an authorization for four years, have yet to deploy 2 GHz MSS systems. Globalstar stands ready and financially capable of launching and operating an MSS system at 2 GHz as soon as the Commission grants its pending petition for reconsideration.

II. The 2 GHz Spectrum Originally Awarded to Globalstar Is Critical to Globalstar's Current and Future Business Plans.

Without sufficient spectrum, Globalstar's plans to expand and enhance its MSS service offerings may be frustrated. In particular, the spectrum originally assigned to

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License Authorization for Mobile Earth Station Terminals (Call Sign E970381); FCC File Nos. SAT-MOD-20050301-00054 and SES-MOD-20050301-00261 ("ATC Applications").

[4/] Globalstar LLC, Application for Authority to Operate an Earth Station in Sebring, Florida, File No. SES-LIC-20050617-00768, *et. al.* (filed June 17, 2005). Globalstar currently has Special Temporary Authority to operate in earth station in Sebring, Florida. *See* Globalstar LLC, Grant of Special Temporary Authority to Operate an Earth Station in Sebring, Florida, File No. SES-STA-20050620-00784, *et. al.* (July 13, 2005).

Globalstar at 2 GHz is essential if Globalstar is to continue to expand its customer base and service offerings and ensure that its MSS business remains viable. For this reason, Globalstar continues to actively prosecute its pending petition for reconsideration of the International Bureau's erroneous cancellation of its 2 GHz MSS license.[5/]

Now, as Globalstar's MSS business is experiencing significant growth and expansion, the 2 GHz spectrum originally awarded to it is more vital than ever. Indeed, without that spectrum, Globalstar may be unable to proceed with its plans to deploy the full range of services that its customers need and desire. As Inmarsat noted in its comments filed in response to the *First 2 GHz MSS Public Notice*, the 2 GHz band serves as an important "safety valve" to provide for the continued growth of existing services, as well as the deployment of new and innovative services.[6/] Specifically, Globalstar anticipates that the 2 GHz MSS spectrum will be essential to enable it to provide wireless broadband services, for which, as the Commission itself has suggested, satellite networks are ideally suited.[7/]

Globalstar currently provides MSS service using its constellation of 40 NGSO satellites at the 1.6/2.4 GHz band and two in-orbit spares. The number of new customers Globalstar is adding and the bandwidth demands of new services necessitate that Globalstar deploy additional capacity to expand its service offerings and meet customer needs. To offer

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5/ *See* Globalstar Petition for Reconsideration.

6/ Comments of Inmarsat Ventures Limited, filed in IB Docket No. 05-220, July 13, 2005, at 11.

7/ *See, e.g.*, Fifth Report and Order in IB Docket No. 00-248, and Third Report and Order in CC Docket No. 86-496, 2000 Biennial Regulatory Review – *Streamlining and Other Revisions of Part 25 of the Commission's Rules*, 20 FCC Rcd 5666, 5666 ¶ 1 (2005) ("Satellite-provided broadband Internet access services may provide one of the best potential options for millions of subscribers in the near term...Promoting high speed Internet service is a goal that has been enthusiastically endorsed by the Commission.").

broadband service effectively, as well as continue to provide reliable voice and narrowband data services, Globalstar needs additional spectrum. The 2 GHz MSS spectrum is presently the only available MSS expansion spectrum, and it is ideally situated to serve as a means for Globalstar to increase its broadband services and still continue to meet the voice and data needs of its existing customers. It will be difficult, if not impossible, for Globalstar to offer higher data rates to more customers and support innovative products without the 2 GHz MSS authorization. For example, without adequate expansion spectrum, Globalstar may well be unable to ensure that its services are fully compatible with third generation terrestrial technologies, such as cdma2000 and W-CDMA, or deploy additional broadband services to aircraft and mobile units on the ground, all of which will dramatically increase the availability of advanced broadband services.

III. It Is Essential that the 2 GHz Spectrum Originally Allocated for MSS Remain Available for MSS Licensees.

As a more general matter, Globalstar strongly opposes any effort by the Commission to take away additional spectrum from the MSS industry. Any reallocation of the remaining 2 GHz MSS spectrum to other services would permanently hinder the development of a competitive and robust MSS marketplace and handicap MSS in providing a viable complement, and in certain circumstances, a more reliable alternative to terrestrial wireless services. The Commission's decision to allocate spectrum at 2 GHz for MSS service was integral to its plan to ensure that MSS would be strong and have room to grow, and that MSS operators could offer competitive service and meet underserved and unserved needs.[8/] In allocating the 2 GHz spectrum to MSS, the Commission recognized that, "2 GHz MSS

[8/] Report and Order, *Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band*, 15 FCC Rcd 16127 (2000) ("*2 GHz MSS Order*").

systems will . . . promote development of regional and global communications to unserved communities in the United States, its territories and possessions."[9/] The Commission specifically acknowledged that satellites offer "excellent technology for delivering basic and advanced telecommunication services" to unserved communities and regions,[10/] and it has repeatedly declared that MSS is uniquely positioned to meet the needs of emergency responders, law enforcement, and government agencies.[11/]

MSS services are an essential part of the national communications infrastructure during times of emergency, whether from a hurricane or a terrorist attack. Especially when enhanced by ATC operations, MSS is the only communications technology capable of providing truly ubiquitous coverage, to both rural and remote areas as well as urban environments. In particular, because satellites are located thousands of miles above earth, they are not affected by ground-based disasters that affect the power grid or that damage underground telephone lines in the manner that terrestrial wireline and wireless networks are. As a result, MSS networks offer a reliable communications option for first responders and other public safety officials who need always-available communications devices during times of emergency. Not surprisingly, a significant and increasing number of Globalstar's customers are federal agencies and public safety entities that have chosen an MSS solution for

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9/ *Id.* at 16128 ¶ 1.

10/ *Id.* at 16144-45 ¶ 32. *See also* Remarks of then Commissioner Kevin Martin, Satellite Rural Forum (Jan. 27, 2004) (Satellites "provide a variety of methods that increase safety and security in isolated rural areas where both wireless terrestrial and wireline services are unavailable or are limited by terrain or by the sparse populations in those areas").

11/ *See, e.g.*, Report and Order and Notice of Proposed Rulemaking, *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands*, 18 FCC Rcd 1962 (2003).

their communications needs because they recognize that they may not be able to rely on terrestrial networks during times of war or emergency.[12/]

Yet despite all of the public interest benefits that the Commission has recognized MSS services can offer, its recent actions seem aimed at stunting the future of MSS. In 2003 the Commission slashed the available 2 GHz MSS spectrum by 30 MHz.[13/] With its proposal in the *First 2 GHz MSS Public Notice* to modify ICO's and TMI's spectrum reservations in a manner that could foreclose a viable third MSS operator at 2 GHz, the Commission appears willing to consider further action that could forever forestall effective competition in the 2 GHz MSS marketplace. And with its proposals in the *Second 2 GHz MSS Public Notice*, which include possibly reallocating additional portions of the 2 GHz band to services other than MSS, the Commission could be on the verge of ensuring that its vision for a robust MSS market that will meet important public safety and other service needs *never* will become a reality.

Inhibiting the growth of MSS and the services it can provide is also contrary to many of the goals expressed in the Commission's recent draft Strategic Plan.[14/] Specifically, MSS is ideally suited to serve the Commission's goal of ensuring that "all Americans...have

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12/ For example, during the wave of hurricanes in the Southeast U.S. in 2004, FEMA activated some 450 Globalstar phones for emergency services.

13/ *See* Third Report and Order, Third Notice of Proposed Rulemaking and Second Memorandum Opinion and Order, *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services*, 18 FCC Rcd 2223, 2239-40 ¶ 32 (2003) ("AWS Order").

14/ *See* "Public Invited to Review Draft Strategic Plan," Public Notice, July 5, 2005 *available at* http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-259814A1.pdf ("Draft Strategic Plan").

affordable access to robust and reliable broadband products and services"[15] and that "[c]ommunications during emergencies and crisis...be available for public safety, health, defense, and emergency personnel, as well as all consumers in need."[16] MSS can reach unserved and underserved populations that terrestrial networks do not – meaning that these communities will have access to broadband communications that would otherwise be unavailable. MSS's ubiquitous coverage also better meets the needs of public health and safety, particularly given the relative immunity of MSS from ground-based disasters that can impact traditional communications networks. In light of the significant public safety and consumer public interest benefits that the Commission has recognized MSS can offer and the goals outlined in the Commission's draft Strategic Plan,[17] the Commission should be particularly resolute in rebuffing efforts by the terrestrial wireless industry to secure a reallocation of 2 GHz spectrum for terrestrial wireless services.[18]

Moreover, advocates of a reallocation of more of the 2 GHz MSS spectrum for terrestrial services have failed to demonstrate the same pressing needs for the spectrum that Globalstar has. Rather, although CTIA, for example, makes much of the hypothetical

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[15] *Id.* at 6. The Commission also identified the objective to "promote advanced and universal service domestically" as part of its goal of ensuring competition in the market for telecommunications services. *Id.* at 9.

[16] *Id.* at 16.

[17] *Id.*

[18] *See, e.g.*, Comments of CTIA — The Wireless Association,™ filed in IB Docket No. 05-220, July 13, 2005 ("CTIA Comments"); Comments of T-Mobile USA, Inc., filed in IB Docket No. 05-220, July 13, 2005 ("T-Mobile Comments"); Reply Comments of Intel Corp., filed in IB Docket 05-220, July 25, 2005 ("Intel Comments").

economic value of the spectrum were it put up for auction,[19] its argument completely disregards the legitimate public interest findings that led the Commission to allocate the spectrum for MSS in the first place (not to mention the strong public interest considerations that favor the reinstitution of Globalstar's 2 GHz license),[20] and Congress' clear prohibition in the ORBIT Act on the use of competitive bidding to assign spectrum for the provision of satellite communications services.[21] Finally, in arguing for a reallocation of the spectrum for terrestrial use, commenters such as CTIA, T-Mobile, and Intel fail to acknowledge the significant amount of spectrum to which terrestrial providers *already* have access.[22] Indeed, just two years ago, the Commission reallocated nearly half of the 2 GHz MSS spectrum (30 MHz) to the benefit of the terrestrial wireless industry, despite the fact that the record in that proceeding made clear that existing MSS providers (including Globalstar) would face

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19/ *See* CTIA Comments at 3.

20/ CTIA's and Intel's repeated references to the purported monetary value of the 2 GHz spectrum were it brought to auction a transparent attempt to turn the Commission's attention toward the implications of its decision here for the U.S. budget, to the exclusion of public interest consierations. *See CTIA Comments; Intel Comments.* As the Commission is aware, however, the Act makes clear that the Commission *cannot* consider projected auction revenues in deciding whether to allocate (or reallocate) spectrum to a particular service. 47 U.S.C. § 309(j)(7)(A) ("In making a decision...to assign a band of frequencies to a use for which licenses or permits will be issued [by auction],...the Commission *may not* base a finding of public interest, convenience, and necessity on the expectation of Federal revenues from the use of a system of competitive bidding under this subsection.")(emphasis added).

21/ *See* Open-Market Reorganization for the Betterment of International Telecommunications Act, Pub. L. No. 106-180, 114 Stat. 48 § 647 (Mar. 12, 2000) *codified at* 47 U.S.C. § 765f. "[T]he Commission shall not have the authority to assign by competitive bidding orbital locations or spectrum used for the provision of international or global satellite communications services." *Id.*

22/ Indeed, as TMI and TerreStar clearly illustrate in their reply comments in response to the *First 2 GHz MSS Public Notice,* the three largest terrestrial wireless providers already have *two to nearly four times* more spectrum on average than MSS licensees. *See* Reply Comments of TMI and TerreStar, filed in IB Docket 05-220, July 25, 2005 at Appendix A.

significant spectrum constraints because of that action.[23/] Given the undeniable benefits that the MSS industry offers to both homeland security users and customers in rural and unserved areas, there is absolutely no public interest justification that would support a Commission decision to forever cripple the MSS industry by taking away the only remaining expansion spectrum available to it in favor of terrestrial providers.

IV. The Commission Should Foster the Development of a Competitive 2 GHz MSS Marketplace by Licensing a Third MSS Provider.

The Commission's recent draft Strategic Plan reaffirms its long-held objectives that "[t]he Commission shall foster sustainable competition across the entire communications sector"[24/] and "develop, advocate, and implement flexible, market-oriented spectrum allocation and assignment policies."[25/] Consistent with these reaffirmed goals and objectives, the Commission has found that it generally takes at least three competitors for a market to be functionally competitive.[26/] Acknowledging that the courts oppose mergers that create a duopoly,[27/] particularly where market entry is difficult, the Commission has stated:

23/ Sixth Report and Order, Third Memorandum Opinion and Order, and Fifth Memorandum Opinion and Order, *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems*, 19 FCC Rcd. 20720, 20761 ¶ 96 (2003) ("*Allocation of Spectrum Below 3 GHz*"). *See* Globalstar LLC, Petition for Reconsideration, filed in IB Docket No. 02-364, ET Docket No. 00-258, Sept. 8, 2004.

24/ Draft Strategic Plan at 9.

25/ *Id.* at 11.

26/ *See e.g.*, First Report and Order and Further Notice of Proposed Rulemaking in IB Docket No. 02-34, and First Report and Order in IB Docket No. 02-54, *Amendments of the Commission's Space Station Licensing Rules and Policies*, 18 FCC Rcd 10760, 10788-89 ¶ 64 (2003)("*Space Station Licensing Rules*") (*citing* Application of Echostar Communications Corp., General Motors Corp. and Hughes Elec. Corp., *Hearing Designation Order*, 17 FCC Rcd 20559, 20604-05 ¶¶ 99-103 (2002)).

> [T]he factors that have led courts to disfavor mergers to duopoly also support establishing a procedure that will maintain at least three competitors in a frequency band, unless an interested party can rebut our presumption that three is necessary to maintain a competitive market. To rebut this presumption, a party must provide convincing evidence that allowing only two licensees in the frequency band will result in extraordinarily large, cognizable, and non-speculative efficiencies.[28/]

The Commission's initial 2 GHz MSS licensing decision, which authorized eight providers, was fully consistent with its sound vision of ensuring a competitive 2 GHz MSS marketplace. Now however, the Commission has proposed two options for the returned 2 GHz MSS spectrum that would create the duopoly it expressly disfavors, without providing any justification for that action whatsoever.

As the history of the 2 GHz MSS services makes clear, 2 GHz MSS providers were not immune from the business and economic realities associated with the deployment of any new service. Launching and implementing a satellite communications service in particular is an extremely cost-intensive venture with high barriers to entry and numerous hurdles to completion, as the number of returned 2 GHz licenses aptly demonstrates. Fortunately, in licensing satellite communications providers, the Commission correctly has anticipated that not all original licensees will make it to market, and accordingly has taken steps designed to achieve a competitive outcome even if some businesses do not succeed. In establishing the original 2 GHz MSS spectrum allocation, the Commission licensed eight providers,[29/] with the

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[27/] *See e.g., FTC v. H.J. Heinz Co.*, 246 F.3d 708, 717 (D.C. Cir. 2001); *FTC v. Staples, Inc.*, 970 F. Supp. 1066, 1081 (D.D.C. 1997).

[28/] *Space Station Licensing Rules*, 18 FCC Rcd at 10788-89 ¶ 64.

[29/] *2 GHz MSS Order*; Order and Authorization, *Application of Celsat America, Inc.; Concerning Use of the 1990-2025/2165-2200 MHz and Associated Frequency Bands for a Mobile-Satellite System*, 16 FCC Rcd 13712 (2001); Order and Authorization, *Application of Globalstar, L.P. for Authority to Launch and Operate a Mobile-Satellite Service System in*

knowledge that it was possible that not all systems would be built and that it was quite likely that additional spectrum would be made available for expansion of those licensees that remained in operation.[30/] Unfortunately, the Commission's overly narrow and inconsistent application of strict satellite system construction milestones, its decision to take 30 MHz of 2 GHz spectrum away from the MSS industry to give to terrestrial services,[31/] and now its latest proposals to reallocate or redistribute the remaining 2 GHz MSS spectrum threaten to produce an anticompetitive outcome that is totally at odds with the Commission's original vision for the 2 GHz MSS service.

In order to ensure the survival of MSS service at 2 GHz, the Commission must avoid an outcome that leaves the market with only two licensees. Without any justification, however, the *Second 2 GHz MSS Public Notices* proposes two options that could result in only two 2 GHz MSS providers even if both actually completed and launched their satellites – something that is far from certain. Reallocation of the 2 GHz MSS spectrum to other services or redistribution of the entire band to ICO and TMI would guarantee that, at most, only two

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the 2 GHz Band, 16 FCC Rcd 13739 (2001); Order, *ICO Services Limited; Letter of Intent to Provide Mobile-Satellite Service in the 2 GHz Bands*, 16 FCC Rcd 13762 (2001); Order and Authorization, *Application of Iridium LLC; Concerning Use of the 1990-2025/2165-2200 MHz and Associated Frequency Bands for a Mobile-Satellite System*, 16 FCC Rcd 13778 (2001); Order and Authorization, *Mobile Communications Holdings, Inc.; Concerning Use of the 1990-2025/2165-2200 MHz and Associated Frequency Bands for a Mobile-Satellite System*, 16 FCC Rcd 13794 (2001); Order, *TMI Communications and Company; Letter of Intent to Provide Mobile-Satellite Service in the 2 GHz Bands*, 16 FCC Rcd 13808 (2001); Order and Authorization, *Application of Constellation Communications Holdings, Inc.; Concerning Use of the 1990-2025/2165-2200 MHz and Associated Frequency Bands for a Mobile-Satellite System*, 16 FCC Rcd 13724 (2001); Order and Authorization, *Application of the Boeing Company; Concerning Use of the 1990-2025/2165-2200 MHz and Associated Frequency Bands for a Mobile-Satellite System*, 16 FCC Rcd 13691 (2001).

30/ *2 GHz MSS Order,* 15 FCC Rcd at 16139 ¶ 18; *See* 47 C.F.R. § 25.157(g); *see also* AWS Order at 2239 ¶ 32.

MSS providers would have an opportunity to compete in the 2 GHz band – a result clearly contrary to the Commission's marketplace aims.

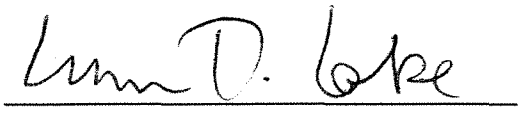
The Commission has adequate spectrum available to ensure competition in the 2 GHz MSS band, and one of the proposed options contemplates the use of the spectrum at issue for one or more additional 2 GHz MSS providers. The need to foster competition in the 2 GHz MSS band gives the Commission additional reason to act expeditiously and favorably on the fate of Globalstar's petition for reconsideration. Globalstar not only stands ready to become a viable third competitor at 2 GHz, but also is a proven provider of MSS voice and data services, whereas TMI and ICO, despite their request for additional spectrum, have yet to implement any MSS system.

31/ *Allocation of Spectrum Below 3 GHz* at 20761 ¶ 96.

Conclusion

The Commission should keep the spectrum currently allocated for MSS services at 2 GHz available for MSS, and should not prejudice Globalstar's ability to operate an MSS system at 2 GHz upon the grant of its pending petition for reconsideration of the cancellation of its 2 GHz license.

Respectfully Submitted,



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